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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,690	08/31/2001	Takashi Hasegawa	H-990	9330
24956 7590 09/11/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER HA, LEYNNA A	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/942,690

Applicant(s)

HASEGAWA, TAKASHI

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) 2,6 and 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1, 3-5, 7 and 8 are pending. Claims 2, 6, and 9-14 are cancelled.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-5, 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto, et al. (US 5,796,828), and further in view of Ito, et al. (US 6,577,814).

**As per claim 1:**

Tsukamoto discloses a broadcasting method comprising the steps of:

broadcasting a store start command (**col.2, lines 35-43 and col.3, lines 14-21**) and encrypted contents from a broadcaster in a first time period (**col.7, lines 7-10 and 35-38**), said store start command causing said encrypted contents to be stored into a storage medium at a receiving side; and (**col.4, lines 9-11 and col.9, lines 7-9**)

broadcasting a play command including a decryption key for decrypting said encrypted contents from a broadcaster (**col.4, lines 23-31 and col.7, lines 40-43**) in a second time period subsequent to said first time period (**col.3, lines 58-61 and col.9, lines 10-17**) to a receiving side after broadcasting said encrypted contents said play command causing said encrypted contents stored into said storage medium to be retrieved therefrom for output of the contents, (**col.3, lines 23-25 and col.4, lines 35-45**)

wherein said encrypted contents are retrieved and decrypted by using said decryption key for output in a third time period (**col.3, lines 23-27 and col.4, lines 30-55**), which is different from said first time period, pre-specified by the broadcaster, and wherein said decryption key is deleted after the output from said receiving side. (**col.7, lines 47-51 and 63-67 and col.10, lines 56-63**)

Tsukamoto discloses transmitting video signals and records the video signals as a function of access control signals which suggests the claimed a store start command in a first time period. Further, access control signals used to control the reproduction suggests the play command (col.3, lines 23-25) and the reproduced signals supplied to the decipherer for display is suggesting the encrypted contents are decrypted for output (col.4, lines 23-24 and 46). Thus, Tsukamoto teaches to record signal, to reproduce signal, and to retrieve (encrypted) content to decrypt for display in different signals obviously suggests various and multiple time periods. However, Tsukamoto did not clearly explain the various (i.e. second or third) time periods.

Ito, et al. discloses an invention to provide data input/output apparatus and a data input/output method and apparatus that can output an increased number of data sheets in a high speed reproduction mode and be operated comfortably and efficiently. Ito discloses a data recording/reproducing apparatus comprising a plurality of input/output processing sections for processing and outputting input data including audio and/or video data and a plurality of non-linearly accessible recording medium in order to record the data output from the input/output processing sections in the recording medium and also to reproduce the data recorded in the recording medium and output them to the input/output processing sections (col.3, lines 10-26). The method comprising control means for controlling input/output processing means so as to make them carry out the processing operations in the allocated respective time slots and outputting time slot signals with a fixed cycle period to the respective input/output means (col.3, lines 27-31) and causing each of input/output processing sections to carry out an operation of said data in the time slots allocated to it in the first step and output the processed data to the recording medium and also causing it to process the data output from the related recording medium and externally output the processed data (col.3, lines 50-67). Ito further discusses a volume of data is stored in the memory of the port in each period and then written into the data storage collectively during the time slot allocated to the port (col.5, lines 17-23). In essence, Ito reads on the claimed said contents retrieved from said storage medium are outputted in a third time period, which is different from said first time period, and is pre-specified by the broadcaster.

Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Tsukamoto with Ito teaching various (i.e. second or third) time period because the control means for controlling input/output processing means so as to make them carry out the processing operations in the allocated respective time slots and outputting time slot signals with a fixed cycle period to the respective input/output means (col.3, lines 27-31) and a volume of data is stored in the memory of the port in each period and then written into the data storage collectively during the time slot allocated to the port (col.5, lines 17-23) causing it to process the data output from the related recording medium and externally output the processed data (col.3, lines 50-67). Thus, Ito is an improvement to provide data input/output apparatus and a data input/output method and apparatus that can output an increased number of data sheets in a high speed reproduction mode and be operated comfortably and efficiently (col.3, lines 9-14).

**As per claim 2: Cancelled.**

**As per claim 3: See Tsukamoto on col.6, line 63 –col.7, line 2 and col.13, lines 50-58; discussing encrypted contents broadcast in said first time period includes an identifier identifying said encrypted contents, and wherein said play command broadcast in said second time period includes an identifier allowing said encrypted contents to be retrieved from said storage medium for output.**

**As per claim 4: See Tsukamoto on col.7, lines 13-15 and col.13, lines 50-58; discussing encrypted contents broadcast in said first time period include an end store command for terminating the storing of said contents into said storage medium.**

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**As per claim 5:**

Tsukamoto discloses a broadcast receiver comprising:

a receiver which receives encrypted contents broadcast from a broadcaster (col.4, lines 9-11 and col.9, lines 7-9) in a first time period along with a start store command causing said contents to be stored (col.7, lines 7-10 and 35-38), and then receives a play command broadcasted from a broadcaster (col.2, lines 35-43 and col.3, lines 14-21) including a decryption key for decrypting said encrypted contents (col.4, lines 23-31 and col.7, lines 40-43) in a second time period subsequent to said first time period (col.3, lines 58-61 and col.9, lines 10-17), wherein said store start command causes said encrypted contents to be stored, and wherein said play command causes said encrypted contents to be retrieved for output; (col.3, lines 23-25 and col.4, lines 35-45)

a storage medium which stores said encrypted contents received; a memory which stores said decryption key; and (col.4, lines 30-34 and col.5, lines 17-19)

a processor which stores said encrypted contents into said storage medium in accordance with the received store start command, stores said decryption key into said memory, retrieves said encrypted contents from said storage medium and decrypts said encrypted contents by using said decryption key stored in said memory (col.5, lines 54-63 and col.6, line 63 – col.7, line 2) for output in a third time period, which is different from said first time period, pre-specified by the broadcaster, and deletes said decryption key after the output from said memory. (col.7, lines 47-51 and 63-67 and col.10, lines 56-63)

Tsukamoto discloses transmitting video signals and records the video signals as a function of access control signals which suggests the claimed a store start command in a first time period. Further, access control signals used to control the reproduction suggests the play command (col.3, lines 23-25) and the reproduced signals supplied to the decipherer for display is suggesting the encrypted contents are decrypted for output (col.4, lines 23-24 and 46). Thus, Tsukamoto teaches to record signal, to reproduce, and to retrieve (encrypted) content to decrypt for display in different signals obviously suggests various and multiple time periods. However, Tsukamoto did not clearly explain the various (i.e. second or third) time periods.

Ito, et al. discloses an invention to provide data input/output apparatus and a data input/output method and apparatus that can output an increased number of data sheets in a high speed reproduction mode and be operated comfortably and efficiently. Ito discloses a data recording/reproducing apparatus comprising a plurality of input/output processing sections for processing and outputting input data including audio and/or video data and a plurality of non-linearly accessible recording medium in order to record the data output from the input/output processing sections in the recording medium and also to reproduce the data recorded in the recording medium and output them to the input/output processing sections (col.3, lines 10-26). The method comprising control means for controlling input/output processing means so as to make them carry out the processing operations in the allocated respective time slots and outputting time slot signals with a fixed cycle period to the respective input/output means (col.3, lines 27-31) and causing each of input/output processing sections to carry



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out an operation of said data in the time slots allocated to it in the first step and output the processed data to the recording medium and also causing it to process the data output from the related recording medium and externally output the processed data (col.3, lines 50-67). Ito further discusses a volume of data is stored in the memory of the port in each period and then written into the data storage collectively during the time slot allocated to the port (col.5, lines 17-23). In essence, Ito reads on the claimed said contents retrieved from said storage medium are outputted in a third time period, which is different from said first time period, and is pre-specified by the broadcaster.

Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Tsukamoto with Ito teaching various (i.e. second or third) time period because the control means for controlling input/output processing means so as to make them carry out the processing operations in the allocated respective time slots and outputting time slot signals with a fixed cycle period to the respective input/output means (col.3, lines 27-31) and a volume of data is stored in the memory of the port in each period and then written into the data storage collectively during the time slot allocated to the port (col.5, lines 17-23) causing it to process the data output from the related recording medium and externally output the processed data (col.3, lines 50-67). Thus, Ito is an improvement to provide data input/output apparatus and a data input/output method and apparatus that can output an increased number of data sheets in a high speed reproduction mode and be operated comfortably and efficiently (col.3, lines 9-14).

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**As per claim 6: Cancelled.**

**As per claim 7: See Tsukamoto on col.6, line 63 –col.7, line 2 and col.13, lines 50-58; discussing encrypted contents broadcast in said first time period and stored on said storage medium include a first identifier identifying said encrypted contents, wherein said play command includes a second identifier, and wherein said processor retrieves for playback said encrypted contents stored on said storage medium along with said first identifier if said first identifier coincides with said second identifier included in said play command.**

**As per claim 8: See Tsukamoto on col.10, lines 45-50 and col.13, lines 50-58; discussing encrypted contents broadcasted in said first time period include an end store command for terminating the storing of said encrypted contents into said storage medium, and wherein said processor terminates the storing of said encrypted contents into said storage medium the moment said end store command is received.**

**As per claim 9: Cancelled.**

**As per claim 10: Cancelled.**

**As per claim 11: Cancelled.**

**As per claim 12: Cancelled.**

**As per claim 13: Cancelled.**

**As per claim 14: Cancelled.**

**Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

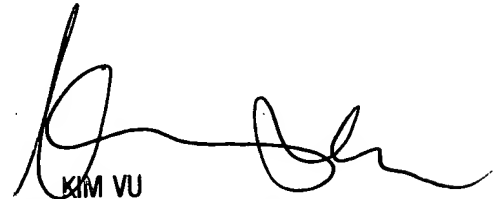
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHA



KIM VU

USPTO PATENT EXAMINER  
TECHNOLOGY CENTER 2100